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JAN 31 2011

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

Federal Energy Regulatory Commission

Petitioner,

v.

Jeff Rainess,

Respondent.

Civil No. 10-6733 (AET)

OPINION & ORDER

THOMPSON, U.S.D.J.

This matter having come before the Court upon Petitioner Federal Energy Regulatory Commission's Petition for an Order to Show Cause Why This Court Should Not Enforce a Subpoena Ad Testificandum against Respondent Jeff Rainess [1]; and it

APPEARING that the Court issued an Order to Show Cause on January 11, 2011 [3]; and it

APPEARING that a hearing regarding the Order to Show Cause was scheduled for January 27, 2011; and it

APPEARING that, according to counsels' letter dated January 25, 2011, the parties reached an agreement and notified the Court three business days prior to the date of the hearing; and it

APPEARING that the pending Petition is therefore moot;

IT IS, on this 31st day of January, 2011,

ORDERED that this case is CLOSED.


ANNE E. THOMPSON, U.S.D.J.

JAN-25-2011 15:37

L&L UNASSIGNED

312 464 3111 P.01/01



TERESA L. DAVIS
Partner

321 North Clark Street
Suite 2300
Chicago, IL 60610

Direct 312.464.3188
Main 312.464.3100
Fax 312.275.8505
tdavis@loeb.com

Via Facsimile (609) 989-2007

January 25, 2011

Hon. Anne E. Thompson
U.S. District Court
District of New Jersey
Clarksen S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: *Federal Energy Regulatory Commission v. Rainess*, Case No. 10-6733
Order to Show Cause – Hearing Date: Thursday, January 27, 2011 at 9:30 am

Dear Judge Thompson:

We are writing to inform you that the parties have reached an agreement with regard to Mr. Rainess' appearance for his testimony pursuant to the subpoena *ad testificandum* issued by the Federal Energy Regulatory Commission (the "Commission") to Mr. Rainess on August 17, 2010. Pursuant to the Court's Order to Show Cause, entered on January 10, 2011 (the "Order"), counsel for Mr. Rainess and counsel for the Commission notified the Courtroom Deputy, Mr. John Basilone, via voicemail on Monday, January 24, 2011 – three business days prior to the show cause hearing – that an agreement had been reached for Mr. Rainess to appear for his testimony and that no response or appearance pursuant to the Order would be required.

On Tuesday, January 25, 2011, counsel for Mr. Rainess, Theresa Davis, spoke with Mr. Basilone to confirm that no appearance would be required at the January 27th show cause hearing. Mr. Basilone advised that this letter would constitute sufficient notification for the Court, in order to avoid any further filings in this matter. Mr. Heath has agreed that based upon Mr. Rainess' agreement to appear for his testimony at a mutually agreed upon time and location, the pending Petition is moot.

If Your Honor has any questions or would like to speak with counsel regarding this, we can be reached at the telephone numbers listed below.

Very truly yours,

A handwritten signature in black ink, appearing to read "Davis", written over a horizontal line.

Theresa L. Davis
(312) 464-3188

Agreement acknowledge by

A handwritten signature in black ink, appearing to read "Wesley J. Heath", written over a horizontal line.

Wesley J. Heath
Federal Energy Regulatory Commission
Division of Investigations, Office of Enforcement
(202) 502-8572